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In Propria Persona

**UNITED STATES DISTRICT COURT FOR
THE CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

TODD R. G. HILL, et al,

Plaintiffs

vs.

**THE BOARD OF DIRECTORS,
OFFICERS AND AGENTS AND
INDIVIDUALS OF THE PEOPLES
COLLEGE OF LAW, et al.,**

Defendants.

CIVIL ACTION NO. 2:23-cv-01298-JLS-BFM

The Hon. Josephine L. Staton
Courtroom 8A, 8th Floor

Magistrate Judge Brianna Fuller Mircheff
Courtroom 780, 7th Floor

**PLAINTIFF'S REPLY IN SUPPORT OF
REQUEST TO FILE SURREPLY TO
DEFENDANT SPIRO'S OPPOSITION (DKT.
324) AND STATEMENT OF POSITION
(DKT. 319)**

NO ORAL ARGUMENT REQUESTED

**PLAINTIFF'S REPLY IN SUPPORT OF REQUEST TO FILE SURREPLY TO DEFENDANT SPIRO'S
OPPOSITION (DKT. 324) AND STATEMENT OF POSITION (DKT. 319)**

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319)**

TO THE HONORABLE COURT AND ALL PARTIES OF RECORD:

Plaintiff Todd R. G. Hill respectfully submits this reply in support of his request for leave to file a surreply, in response to Defendant Spiro’s opposition (Dkt. 324). Contrary to Defendant Spiro’s assertions or implications, the proposed surreply is not duplicative, improper, or in bad faith. It is a narrowly tailored response to procedural objections and factual mischaracterizations introduced for the first time in Dkts. 319 and 321, oppositions which themselves misrepresent the procedural posture and the Court’s directive in Dkt. 311. Plaintiff’s submission of the Fifth Amended Complaint (“5AC”) and the corresponding surreply is not only procedurally appropriate, but expressly necessitated by the record. Defendant Spiro’s attempt to recast Plaintiff’s compliance as misconduct merely underscores the necessity of the surreply and the importance of an accurate record.

I. INTRODUCTION

Contrary to Spiro’s assertion, the surreply does not reargue previously addressed points but instead responds directly to new characterizations and procedural objections raised for the first time in Docket 319 and Docket 321. These include assertions that Plaintiff’s submission of the Fifth Amended Complaint (“5AC”) was improper, untimely, or a procedural overreach, claims that were perhaps raised in the initial Fed. R. Civ. P. 12(b)(6) motions and thus warrant tailored clarification in the context of the request for leave submitted in the context of Fed. R. Civ. P. 59(e) preservation or request for leave to amend under Fed. R. Civ. P. 15.

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1 Spiro notably fails to mention the document title, i.e., “OPPOSITION TO DEFENDANT’S
2 MOTION TO DISMISS THE FOURTH AMENDED COMPLAINT” or clarify the procedural
3 context it was filed under. Here, Spiro’s reliance on Plaintiff’s April 18, 2025 opposition to a prior
4 Fed. R. Civ. P. 12(b)(6) motion (Docket 272) as evidence of duplication misrepresents both the
5 function and content of the the motion at issue and the corresponding surreply. That opposition
6 addressed the sufficiency of the Fourth Amended Complaint. By contrast, the proposed surreply
7 addresses objections to the submission of the proposed Fifth Amended Complaint under Rule
8 15(a)(2) and Docket 311’s express invitation, which was issued after Docket 272. The procedural
9 posture, case law, and factual record have evolved materially since then.

10 Spiro’s filing at Docket 319 further illustrates this pattern of procedural distortion. Styled as a
11 “Statement of Position,” it operates functionally as an opposition to Plaintiff’s Rule 15 request,
12 urging the Court to reject the proposed Fifth Amended Complaint outright. Yet tellingly, Spiro’s
13 filing never once cites or analyzes Rule 15, the governing standard the Court expressly invoked in
14 Docket 311. Instead of addressing the liberal amendment framework or identifying any undue delay,
15 bad faith, or prejudice, Spiro advances conclusory assertions about futility while ignoring the
16 procedural posture that gave rise to Plaintiff’s submission. This deliberate omission is not incidental;
17 it reflects an ongoing strategy to mislead the Court about the nature and legitimacy of Plaintiff’s
18 filings. The absence of Rule 15 analysis in what is effectively an opposition to amendment
19 underscores Spiro’s willingness to manipulate procedural ambiguity, obscure applicable standards,
20 and sidestep the merits in favor of tactical obstruction. That omission alone justifies the limited
21 surreply. Plaintiff now seeks to ensure that the Court evaluates the request under the proper legal
22 standard.

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1 To the extent Defendant Spiro implies that Plaintiff's submission is duplicative or in bad faith,
2 Plaintiff respectfully notes that the surreply was prompted by new procedural objections and
3 characterizations introduced for the first time in Defendants' oppositions to Docket 311 in specific
4 procedural context. Plaintiff's filing was responsive, limited in scope, and consistent with the record
5 and procedural directives of this Court. In contrast, Defendant Spiro's conflation of briefing contexts
6 and selective citations from a prior motion risks misleading the Court and obscures the narrow,
7 clarifying purpose of Plaintiff's surreply. Plaintiff remains committed to good faith litigation conduct
8 and preserving the integrity of the record under Fed. R. Civ. P. 11.
9

10 Furthermore, Spiro's opposition underscores the need for the surreply: it confirms that the
11 Defendants are leveraging procedural ambiguity to reframe the Court's own invitation (Docket 311)
12 as a procedural violation. This tactic directly supports Plaintiff's argument that a surreply is necessary
13 to restore balance and clarify the record for the Court.
14

15 Spiro's opposition only reinforces the need for the surreply. It attempts to recast the Court's
16 clear procedural invitation as a violation, and in doing so, illustrates precisely the type of ambiguity
17 and distortion the surreply is intended to correct. Defendants' objections, unanchored from the
18 record, indifferent to the Court's directive, and devoid of substantive engagement, should be
19 recognized for what they are: tactical efforts to evade the merits and delay resolution, not principled
20 arguments under Fed. R. Civ. P. 15.
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1 **II. DEFENDANT SPIRO CONTINUES TO MISREPRESENT THE**
2 **PROCEDURAL POSTURE**

3 Defendant Spiro’s opposition (Docket 324) repeats a now familiar pattern of procedural
4 distortion: conflating distinct filings, mislabeling their purpose, and omitting the operative context
5 under which Plaintiff’s proposed surreply was filed. Spiro’s central claim, that Plaintiff’s surreply
6 (Dkt. 323-1) merely rehashes arguments from Plaintiff’s earlier opposition to dismissal of the Fourth
7 Amended Complaint (Dkt. 272), is both inaccurate and strategically misleading. The surreply was not
8 submitted to relitigate issues already addressed in Docket 272; rather, it was narrowly tailored to
9 rebut procedural objections and factual mischaracterizations that first appeared in Defendants’
10 oppositions to the Fifth Amended Complaint (Dkts. 319 and 321), and which were filed pursuant to
11 the Court’s explicit invitation in Docket 311.

12 Moreover, Spiro’s argument misrepresents the procedural context: Docket 272 addressed the
13 sufficiency of the Fourth Amended Complaint under a Rule 12(b)(6) standard. By contrast, the
14 surreply responds to newly raised objections to the procedural validity and substance of the Fifth
15 Amended Complaint, filed under Rule 15(a)(2) and pursuant to the express framework the Court
16 established for Fed. R. Civ. P. 59(e) consideration. Spiro’s selective table excerpts do not
17 demonstrate duplication; they show consistent themes that reflect the evolving nature of the case.
18 Repetition of precedent or factual context across filings does not equate to impermissible reargument,
19 particularly when applied to distinct procedural challenges.

20 The procedural distinctions here are critical. The 5AC was submitted in direct response to
21 Docket 311 and accompanied by explanatory declarations and a redline comparison. Spiro’s failure to
22 even mention this procedural backdrop—while simultaneously referencing a filing from a prior stage
23

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1 of the litigation—further evidences his intention to confuse rather than clarify. That tactic only
2 reinforces the necessity of the surreply: to dispel ambiguity, correct the record, and ensure that the
3 Court’s review is grounded in procedural accuracy, not opportunistic conflation.
4

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6 **III. THE COURT EXPRESSLY INVITED PLAINTIFF TO SUPPLEMENT THE
RECORD AND CLARIFY HIS REQUEST FOR LEAVE**

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8 Defendant Spiro’s framing, in omitting the procedural and substantive context, also disregards
9 the plain language of the Court’s order at Docket 311, which invited Plaintiff to file a redline of
10 the corrected amended complaint to facilitate the Court’s consideration of Rule 59(e) or Rule 15
11 relief. Plaintiff complied precisely with that directive: he submitted a corrected Fifth Amended
12 Complaint, a redline comparison to the Fourth Amended Complaint, a declaration explaining the
13 corrections, and a Notice of Errata.
14

15 Indeed, if Plaintiff had failed to submit the 5AC in response to Docket 311, Defendants would
16 no doubt have argued that Plaintiff waived his right to seek further amendment. Plaintiff’s
17 compliance with the directive was prompt, measured, and made in good faith. The surreply is not
18 an attempt to reopen briefing or engage in cumulative argument. Rather, it is a limited, targeted
19 response to procedural objections raised in Defendants’ filings (Dkts. 319 and 321) that, if
20 unaddressed, would render the Court’s record incomplete and potentially prejudicial. Plaintiff’s
21 filing did not introduce new claims or evidence; it clarified the procedural history and reinforced
22 the good faith basis for seeking leave to amend by responding to Defendant’s arguments in the
23 context in which they were raised.
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26 Plaintiff’s proposed surreply is appropriate, targeted, and justified.
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1 **IV. CLARIFICATION IS WARRANTED TO CORRECT PROCEDURAL**
2 **ASYMMETRY AND ENSURE FAIR APPLICATION OF RULE 15**

3 Docket 311, issued by the Court, expressly invited Plaintiff to file a redline version of the
4 proposed Fifth Amended Complaint and noted that “Defendants may respond as appropriate.”
5 However, the Court did not set a firm deadline for Plaintiff to reply to those responses—creating
6 procedural ambiguity as to whether Plaintiff retained the right to reply in the ordinary course or
7 required leave to do so. In the absence of a structured briefing schedule, Defendants exploited this
8 ambiguity by lodging oppositions that not only exceeded the scope of procedural response
9 contemplated in Docket 311 but introduced new factual assertions and procedural objections aimed at
10 undermining Plaintiff’s good faith compliance. Defendant Spiro now seeks to weaponize that
11 ambiguity, characterizing Plaintiff’s clarifying submission as improper rather than acknowledging the
12 asymmetry created by the Court’s framing. The surreply is narrowly tailored to address this
13 imbalance and ensure the Court is presented with a full and fair procedural record, one not skewed by
14 the absence of a response opportunity or the tactical overreach of the opposing party. To penalize
15 Plaintiff for responding in that narrow window would compound the very procedural gap the Court’s
16 order created and allow form to defeat substance.

17 Plaintiff bears the burden of demonstrating that amendment is appropriate under Rule
18 15(a)(2), which directs courts to “freely give leave when justice so requires.” Yet Defendant Spiro
19 has failed to even mention Rule 15, let alone apply its liberal standard, in either his Statement of
20 Position (Dkt. 319) or Opposition (Dkt. 324). Instead, Spiro’s filings mischaracterize Plaintiff’s
21 compliance with Docket 311 as an improper “supplement” or procedural overreach, without
22 addressing the core inquiry: whether amendment would be futile, prejudicial, or unduly delayed. The
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1 Court's issuance of Docket 311 expressly contemplated the possibility of amendment, shifting the
2 procedural dynamic to require a meaningful response under Rule 15. In this context, Spiro's silence
3 on the governing standard and focus on procedural distortion imposes an unfair asymmetry, leaving
4 Plaintiff to defend against objections divorced from the framework the Court itself invoked. The
5 surreply is thus necessary, not as a matter of surplus argument but to fulfill Plaintiff's burden under
6 Rule 15(a)(2) and clarify how the proposed Fifth Amended Complaint directly responds to the
7 Defendant's stated prior concerns and refutes the claim that amendment would be futile or otherwise
8 serves judicial efficiency.

11
12 **V. THE DEFENDANTS HAVE STRATEGICALLY MANIPULATED**
13 **PROCEDURAL AMBIGUITY TO EVADE MERITS REVIEW**

14 Defendants Spiro's opposition illustrates a broader trend: procedural arguments that elevate
15 form over substance, designed not to engage with the legal sufficiency of Plaintiff's claims, but to
16 preclude their review altogether. Defendants have repeatedly shifted the procedural goalposts, first
17 asserting that Plaintiff had no right to amend, then alleging futility, and now claiming that a
18 procedurally proper submission is somehow improper because it responds to and exposes the
19 weakness of their prior objections. These arguments are not made in pursuit of clarity or judicial
20 economy; they are tactical obstructions.

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22 It is within this context that the surreply is not only warranted, but necessary to preserve the
23 integrity of the record.

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1 **VI. CONCLUSION**

2 Plaintiff has conducted this litigation with transparency, responsiveness, and an ongoing
3 commitment to complying with the Court's orders. The surreply was submitted in good faith, in
4 response to arguments that arose only after Plaintiff's submission of the 5AC under the procedure
5 laid out in Docket 311. It does not relitigate old points, introduce new claims, or seek improper
6 reconsideration. It merely ensures that the Court has an accurate procedural map in front of it before
7 drawing final conclusions.
8

9 By contrast, Spiro's opposition reflects a persistent pattern of omission, mischaracterization, and
10 strategic ambiguity. He fails to disclose the context of Plaintiff's filings, obscures the Court's own
11 invitation to submit clarification of the 5AC, and selectively misquotes from prior pleadings to create
12 the illusion of repetition. These tactics raise serious concerns under Fed. R. Civ. P. 11(b)(3) and
13 (b)(4), and call into question not Plaintiff's candor, but Spiro's. Defendant Spiro's decision to omit
14 mention of Docket 311 or the Court's request for a redline comparison, while simultaneously
15 claiming Plaintiff's filings are unauthorized or misrepresentative, reflects not merely adversarial zeal,
16 but a calculated disregard for the full procedural record.
17

18 Spurred by Docket 311's express invitation for Rule 15 submissions, Plaintiff complied by
19 submitting a corrected proposed Fifth Amended Complaint, redline, and supporting declarations. In
20 contrast, Spiro responded not by engaging with Rule 15's liberal amendment standard, but by issuing
21 a de facto opposition devoid of citation to the governing law. This failure to engage with the legal
22 standard, while attacking Plaintiff's procedural conduct, clarifies a deeper asymmetry: Defendants
23 have used the Court's procedural framing to avoid Rule 15 analysis altogether, attempting to
24 recharacterize invited submissions as improper or unauthorized. The proposed surreply is thus not
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1 only procedurally appropriate, it is necessary to restore equilibrium to an imbalanced briefing
2 structure and ensure the Court has the benefit of targeted clarification before ruling.
3

4 Plaintiff respectfully requests that the Court grant leave to file the surreply and take it under
5 consideration in resolving the pending matters. At minimum, the Court should recognize that
6 Plaintiff's conduct has been consistent with both procedural directives and ethical obligations, and
7 that Spiro's attempt to frame Plaintiff's compliance as misconduct is both unsupported and
8 misleading.
9

10 To the extent the Court construes or rules on the underlying motion or related submissions in a
11 manner adverse to Plaintiff without full consideration of the procedural context, Plaintiff respectfully
12 preserves all rights under Fed. R. Civ. P. 59(e) and Fed. R. Civ. P. 60(b) to seek reconsideration or
13 relief based on newly docketed evidence, material mischaracterizations of record, or procedural
14 irregularities impairing full and fair adjudication.
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17 Respectfully submitted,

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19 Dated: June 3, 2025

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23 **Todd R. G. Hill**
24 **Plaintiff, In Propria Persona**
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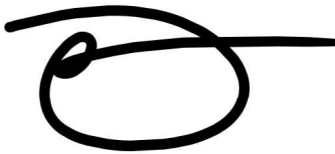
26 **STATEMENT OF COMPLIANCE WITH LOCAL RULE 11-6.1**
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28 The undersigned party certifies that this brief contains 2,288 words, which complies with the 7,000-

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1 word limit of L.R. 11-6.1.

2 Respectfully submitted,

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4
5 June 3, 2025

6 Todd R.G. Hill

7 Plaintiff, in Propria Persona

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9 **Plaintiff's Proof of Service**

10 This section confirms that all necessary documents will be properly served pursuant to L.R. 5-
11 3.2.1 Service. This document will be/has been electronically filed. The electronic filing of a
12 document causes a "Notice of Electronic Filing" ("NEF") to be automatically generated by the
13 CM/ECF System and sent by e-mail to: (1) all attorneys who have appeared in the case in this Court
14 and (2) all pro se parties who have been granted leave to file documents electronically in the case
15 pursuant to L.R. 5-4.1.1 or who have appeared in the case and are registered to receive service
16 through the CM/ECF System pursuant to L.R. 5-3.2.2. Unless service is governed by Fed. R. Civ. P.
17 4 or L.R. 79-5.3, service with this electronic NEF will constitute service pursuant to the Federal
18 Rules of Civil Procedure, and the NEF itself will constitute proof of service for individuals so served.
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23 Respectfully submitted,

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25 June 3, 2025

26 Todd R.G. Hill

27 Plaintiff, in Propria Persona
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